

FISCAL NOTE

Bill #: HB0099

Title: Penalty for driving when license suspended or revoked for DUI or test refusal

Primary Sponsor: Lange, M

Status: Third Reading

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$573,623	\$764,562
Revenue:		
General Fund	\$712,000	\$949,000
Net Impact on General Fund Balance:	\$138,377	\$184,438

- | | |
|---|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Justice – Montana Highway Patrol

1. The Montana Highway Patrol (MHP) issued 2,530 citations for driving with licenses revoked or suspended. Of that number, 75 percent or 1,898 were related to alcohol.
2. It is assumed that it will take up to three months for offenders to be adjudicated and enter the system, that offenders will be sentenced to 15 days on average, and that the daily rate per jail day will be \$53.71.
3. Taking away the first three months would reduce the number of offenders by one quarter in FY 2006 to 1,424.
4. Since there is OR stipulated in the sentencing options, one half of the defendants are assumed to be sentenced to jail time and the other half are assumed to be assessed a fine.
5. The total per diem cost in FY 2006 will be \$573,623 (712 offenders X 15 days X \$53.71).
6. Per diem costs in FY 2007 would be \$764,562 (949 offenders X 15 days X \$53.71).
7. For the purposes of this fiscal note, the costs associated with this legislation are shown coming from the general fund (see Technical Note 3).
8. One half of fine revenues go to the state general fund and one half go to the county general fund in which the fine was assessed. FY 2006 fines are estimated to be \$712,000 each to the state general fund and

Fiscal Note Request HB0099, Third Reading

(continued)

county general funds. FY 2007 fines are estimated to be \$949,000 each to the state general fund and county general funds. The above assumed costs and revenues net to a positive impact to the general fund of \$322,815 in the 2007 biennium.

FISCAL IMPACT:

Department of Justice – Montana Highway Patrol

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$573,623	\$764,562
<u>Funding of Expenditures:</u>		
General Fund (01)	\$573,623	\$764,562
<u>Revenues:</u>		
General Fund (01)	\$712,000	\$949,000
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	\$138,377	\$184,438

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. Local jail facilities may not be able to handle the increase in prisoner incarcerations.
2. This change will affect the workload for local prosecutor's offices.
3. There is a potential increase in fine revenue and a dramatic increase in per diem revenue, but there will also be a cost to house prisoners.

TECHNICAL NOTES:

If these costs are to be paid for out of the general fund, then such a reference should be made in the bill.